





In line with our [our analysis](#) of the Draft Report, **European Digital Rights** would like to comment on the draft compromise amendments tabled to JURI's [Draft Report](#) on Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan 2014/2151(INI)

The left column repeats the original Draft Report; the right column contains the amendments proposed by the members of JURI. Our comments can be found below.

For ease of reading, the headings are highlighted and marked with colours and symbols as follows:

 **green** (++) for amendments we welcome;

 **yellow** (+) for amendments which pursue good aims, but could benefit from further suggested improvements;

 **red** (-) for amendments which in our view should be reconsidered;

**grey** for amendments in which we do not have a position.

**A short justification is given, when relevant.**

### **Compromise amendment 1 - Pavel Svoboda (++)**

Proposal for a compromise amendment replacing, AM 7 (Virginie Rozière), AM 8 (Max Andersson), AM 9 (Angel Dzhambazki), AM 10 (Lidia Joanna Geringer de Oedenberg) and AM 11 (Daniel Buda).

<b>Motion for a resolution</b>	<b>Amendment</b>
Recital A  A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness <b>and</b> employment; whereas the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas counterfeiting <b>is</b> generally <b>linked with a</b> black economy;	Recital A  A. whereas intellectual property rights are one of the driving forces of innovation and creativity and a key contributor to competitiveness, employment <b>and cultural diversity</b> ; whereas <b>product authenticity should not always be conflated with product safety and product quality issues</b> , the enforcement of intellectual property rights plays a significant role in ensuring consumers' health and safety; whereas <b>revenue from</b> counterfeiting generally <b>feeds into the</b> black economy <b>and organised crime</b> ;



## Compromise amendment 2 (-)

Pavel Svoboda

Proposal for a compromise amendment replacing AM 23 (Dietmar Köster), AM 24 (Axel Voss, Angelika Niebler), AM 25 (Mady Delvaux), AM 26 (Enrico Gasbarra), AM 27 (Max Andersson, Lidia Joanna Geringer de Oedenberg), AM 28 (Constance Le Grip), AM 29 (Angel Dzhabazki, Sajjad Karim), AM 30 (Lidia Joanna Geringer de Oedenberg), AM 31 (Jytte Guteland) and AM 32 (Enrico Gasbarra).

### Motion for a resolution

Recital D

D. whereas there is a certain level of tolerance among Europeans for the idea that IPR infringements could be considered *legitimate, especially among the young generation*<sup>4</sup>;

-----  
<sup>4</sup>See OHIM Report ‘European Citizens and intellectual property: perception, awareness and behaviour’, November 2013.

### Amendment

Recital D

D. whereas Parliament notes with concern what the OHIM report points out regarding the existence of a certain level of tolerance among *a significant minority of* Europeans for the idea that IPR infringements could be considered *acceptable*<sup>4</sup>; *whereas there is a lack of suitable knowledge of the social and cultural importance of intellectual property rights, of the actions considered as infringement of IPR and a lack of awareness regarding the potential consequences of IPR infringements on the EU economy and society, and on the general safety of citizens; whereas it is necessary and possible to run suitable user awareness and information campaigns*

-----  
<sup>4</sup>See OHIM Report ‘European Citizens and intellectual property: perception, awareness and behaviour’, November 2013.

Comments: This amendments adds confusion which was avoided in the original text. Furthermore, it implicitly states that the cause of the attitude among youngsters is lack of awareness, when other causes such as not agreeing with the current outdated EU copyright framework is also part of the equation.



### Compromise amendment 3 (+)

Pavel Svoboda

Proposal for a compromise amendment replacing AMAM 71 (Angel Dzhambazki, Sajjad Karim), AM72 (Constance Le Grip), AM 73 (Lidia Joanna Geringer de Oedenberg) and AM 74 (Jean-Marie Cavada, Marc Joulaud).

<b>Motion for a resolution</b>	<b>Amendment</b>
<p>Paragraph 6</p> <p>6. Believes at the same time that consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents, <b>and</b> calls on the Commission to reflect further on the development of specific tools, including labelling, based on the experiences gathered by the Commission and the European Observatory on <b>Counterfeiting and Piracy</b>, especially with regard to the sharing of best practices;</p>	<p>Paragraph 6</p> <p>6. Believes at the same time that consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase; deplores the fact that the Commission's action plan does not include any action designed to improve consumers' ability to identify infringing goods and contents; calls on the Commission <b>and the Member States</b> to reflect further on the development of specific tools and guidelines and have an evidence based examination and possible development of a harmonised system of procedures for notification/withdrawal of infringing goods and content, so that consumers and undertakings can take action when they are misled in the same way as they can act to draw attention to undesirable content based on the experiences gathered by the Commission and the European Observatory on <b>Infringements of Intellectual Property Rights</b>, especially with regard to the sharing of best practices;</p>



### Compromise amendment 4 (++)

Pavel Svoboda

Proposal for a compromise amendment replacing AM 77 (Mady Delvaux), AM 78 (Dietmar Köster), AM 79 (Virginie Rozière), AM 80 (Constance Le Grip), AM 81 (Angel Dzhambazki, Sajjad Karim)

<p><b>Motion for a resolution</b> Paragraph 8</p> <p>8. Believes that the lack of <b>a</b> competitive supply of non-infringing products and content <b>makes</b> it difficult to deter consumers from buying unlawful goods or using unlawful content; takes the view that <b>sufficient</b> progress <b>has not been</b> made in this area, and reiterates its demand that the Commission and Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive;</p>	<p><b>Amendment</b> Paragraph 8</p> <p>8. Believes that <b>in certain sectors</b> the lack of <b>consumer awareness about legal offers and the</b> sometimes <b>difficult to access or costly</b> supply of non-infringing products and content <b>can make</b> it difficult to deter consumers from buying unlawful goods or using unlawful content; takes the view that <b>further</b> progress <b>needs to be</b> made in this area, and reiterates its demand that the Commission and Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive <b>so that consumers genuinely have every opportunity to purchase licit goods or to use licit content;</b></p>
--	--



### Compromise amendment 5 (++)

Pavel Svoboda

Proposal for a compromise amendment replacing AM 113 (Enrico Gasbarra), AM 114 (Angel Dzhambazki), AM 115 (Sajjad Karim), AM 116 (Dietmar Köster), AM 117 (Daniel Buda), AM 118 (Jiří Maštálka).

<p><b>Motion for a resolution</b> Paragraph 20</p> <p>20. Reiterates its call for a comprehensive IPR strategy, including a complete and strong legal framework to combat <b>counterfeiting and piracy</b> adapted to the online environment;</p>	<p><b>Amendments</b> Paragraph 20</p> <p>20. Reiterates its call for an IPR strategy including a comprehensive legal framework to combat <b>IPR infringement</b> adapted to the online environment, <b>with full regard for fundamental rights and freedoms, fair trials, proportionality and data protection</b> ; <b>considers that legal protection is urgently needed for new creations since this will encourage investment and lead on to further innovations;</b></p>
---	--